

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION

Vernell Howard,)	
)	
Plaintiff,)	
)	
vs.)	Civil Action No.:4:06-1029
)	
Piggly Wiggly; Clarence Shelly,)	
individually; Craig Hopkins, individually)	
and in his official capacity; and the City)	
of Marion Police Department,)	
)	
Defendants.)	
)	

ORDER

Plaintiff Vernell Howard (“Howard”) filed the instant *pro se* action on March 31, 2006 against Defendants Piggly Wiggly; Clarence Shelly, individually; Craig Hopkins, individually and in his official capacity; and the City of Marion Police Department. (Doc. #1). Defendant City of Marion Police Department filed a motion to dismiss on May 25, 2006. (Doc. #12). Howard filed a response to the City of Marion’s motion on June 30, 2006. (Doc. #20). On March 15, 2007, the Court entered an Order granting the City of Marion’s motion to dismiss and dismissing it from this action. (Doc. #31).

This matter now comes before the Court upon the remaining defendants’ motion for summary judgment filed February 23, 2007. (Doc. #25). To date, Howard has not responded to this pending motion. On April 20, 2007, United States Magistrate Judge Thomas E. Rogers, III, to whom this case had previously been assigned, issued a Report and Recommendation (“the Report”). (Doc. #36). In the Report, Magistrate Judge Rogers recommends that the pending motion for summary

judgment be granted, pursuant to Fed. R. Civ. P. 41(b), for Howard's failure to prosecute this action.

Id. In the alternative, Magistrate Judge Rogers recommends that the pending motion for summary judgment be granted on the merits. Id. To date, Howard has filed no objections to the Report.

This Court is charged with conducting a de novo review of any portion of the Magistrate Judge's Report and Recommendation to which a specific objection is registered, and may accept, reject, or modify, in whole or in part, the recommendations contained in that report. 28 U.S.C. § 636. In the absence of objections to the Report and Recommendation of the Magistrate Judge, this Court is not required to give any explanation for adopting the recommendation. See Camby v. Davis, 718 F.2d 198, 199 (4th Cir. 1983).

The Court has carefully reviewed Magistrate Judge Roger's Report and Recommendation. For the reasons articulated by the Magistrate Judge, it is hereby **ORDERED** that the Magistrate Judge's Report and Recommendation is **ACCEPTED** and the defendants' motion for summary judgment is **GRANTED** (Doc. #25). Accordingly, this action is dismissed.

IT IS SO ORDERED.

S/ Terry L. Wooten

Terry L. Wooten
United States District Judge

July 13, 2007
Florence, South Carolina